

MODEL ORDER
FOR TEXAS COUNTIES AND PUBLIC HEALTH DISTRICTS
IN ACCORDANCE WITH TEXAS HEALTH AND SAFETY CODE, SECTION 437.0076

ORDER NO. _____

AN ORDER REGARDING THE CERTIFICATION OF FOOD MANAGERS

As provided by Texas Health and Safety Code (HSC), §437.0076, a county or public health district may require each fixed or mobile location retail establishment in which food is prepared on-site for sale to the public that holds a permit issued by the county or public health district to employ a food manager certified under HSC, Chapter 438, Subchapter G.

Therefore, it is ORDERED, that (name of entity and name of jurisdiction, ex: Hays County Commissioner's Court or Nueces County Public Health District) adopts the following order:

Section 1. Food Manager Certification Requirement and Definitions

One certified food manager must be employed by each permitted food establishment. Certification must be obtained by passing an examination approved by the Texas Department of Health and meeting all requirements in HSC, Chapter 438, Subchapter G, and 25 TAC §229.176 (relating to Certification of Food Managers).

The words "food establishment" mean a fixed or mobile location retail establishment in which food is prepared on-site for sale to the public.

The words "food manager" mean an individual who conducts, manages, or operates a food establishment.

Section 2. Exemptions

The following food establishments are exempt from the requirements of this order:

- (1) establishments that handle only prepackaged food and do not prepare or package food;
- (2) child-care facilities, as defined by Section 42.002, Human Resources Code;
- (3) establishments that do not prepare or handle exposed potentially hazardous foods as defined in 25 TAC §229.162(66); or
- (4) nonprofit organizations as defined in 25 TAC §229.371(9) (relating to Permitting Retail Food Establishments).

[Note: §437.0076(e) enables a county or public health district to exempt other establishments if the county or public health district determines that the application of the requirement to those establishments is not necessary to protect public health and safety.]

Section 3. Responsibilities of a Certified Food Manager

Responsibilities of a certified food manager include:

- (1) identifying hazards in the day-to-day operation of a food establishment that provide food for human consumption;
- (2) developing or implementing specific policies, procedures or standards to prevent foodborne illness;

(3) supervising or directing food preparation activities and ensuring appropriate corrective actions are taken as needed to protect the health of the consumer;

(4) training the food establishment employees on the principles of food safety; and

(5) performing in-house self-inspections of daily operations on a periodic basis to ensure that policies and procedures concerning food safety have been implemented and are being followed.

Section 4. Certificate Reciprocity

A certificate issued to an individual who successfully completes an examination approved by the Texas Department of Health shall be accepted as meeting the training and testing requirements under HSC, §438.046(b).

Section 5. Certificate Posting.

The original food manager certificate shall be posted in a location in the food establishment that is conspicuous to consumers.

Section 6. Severability

If any section, subsection, sentence, clause, phrase, or portion of this order is, for any reason, held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision and such holding shall not affect the validity of the remaining portions of this order.

Section 7. Effective Date

The provisions of this order shall take effect on: (put in date, or the number of days from adoption by the Commissioner's Court or Administrative Board).

INTRODUCED, READ AND PASSED BY AN AFFIRMATIVE VOTE BY THE (COMMISSIONER'S COURT OF (COUNTY) OR (ADMINISTRATIVE BOARD OF PUBLIC HEALTH DISTRICT) ON THIS ____ DAY OF _____, _____.

(SIGNATURES OF COMMISSIONERS OR MEMBERS OF THE BOARD)